

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1006 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-1.1-18-3, AS AMENDED BY P.L.273-1999,
- 3 SECTION 53 (CURRENT VERSION), IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) Except as
- 5 provided in subsection (b), the sum of all tax rates for all political
- 6 subdivisions imposed on tangible property within a political
- 7 subdivision may not exceed:
- 8 (1) one dollar and twenty-five cents (\$1.25) on each one hundred
- 9 dollars (\$100) of assessed valuation in territory outside the
- 10 corporate limits of a city or town; or
- 11 (2) two dollars (\$2) on each one hundred dollars (\$100) of
- 12 assessed valuation in territory inside the corporate limits of a city
- 13 or town.
- 14 (b) The proper officers of a political subdivision shall fix tax rates
- 15 which are sufficient to provide funds for the purposes itemized in this
- 16 subsection. The portion of a tax rate fixed by a political subdivision
- 17 shall not be considered in computing the tax rate limits prescribed in
- 18 subsection (a) if that portion is to be used for one (1) of the following
- 19 purposes:
- 20 (1) To pay the principal or interest on a funding, refunding, or
- 21 judgment funding obligation of the political subdivision.
- 22 (2) To pay the principal or interest on an outstanding obligation
- 23 issued by the political subdivision if notice of the sale of the
- 24 obligation was published before March 9, 1937.

(3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

(5) To pay a judgment rendered against the political subdivision.

~~(6) To meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1);~~

~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

(c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 2. IC 6-1.1-18-3, AS AMENDED BY P.L.273-1999, SECTION 54 (DELAYED VERSION), IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

(1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or

(2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

(1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.

(2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.

(3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

(5) To pay a judgment rendered against the political subdivision.

~~(6) To meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1).~~

~~(7) To meet the requirements of the county hospital care for the indigent fund.~~

(c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county auditor, or the state board of tax commissioners may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 3. IC 6-1.1-18.5-9.7, AS AMENDED BY P.L.273-1999, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed under ~~any of the following:~~

~~(1) IC 12-16; except IC 12-16-1.~~

~~(2) IC 12-19-5.~~

~~(3) IC 12-19-7.~~

~~(4) IC 12-20-24 or to ad valorem property taxes imposed to repay bonded indebtedness issued under IC 12-19 before January 1, 2001.~~

(b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a county's or township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under ~~the citations listed in subsection (a): IC 12-20-24 or that part of the levy imposed to repay bonded indebtedness issued under IC 12-19 before January 1, 2001.~~

~~(c) Section 8(b) of this chapter does not apply to bonded indebtedness that will be repaid through property taxes imposed under IC 12-19.~~

SECTION 4. IC 6-1.1-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property

assessed under this article.

(b) "Taxes" means taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5, is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; ~~plus~~

~~(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county);~~ minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of ~~IC 12-1-11.5 (repealed)~~, IC 12-2-4.5 (repealed), IC 12-19-5 (**before its repeal**), or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which

- 1 the requirements of IC 20-5-52 were satisfied prior to
- 2 January 1, 1984; minus
- 3 (E) the amount of property taxes imposed in the county for the
- 4 stated assessment year under the authority of IC 21-2-6 or any
- 5 citation listed in IC 6-1.1-18.5-9.8 for a cumulative building
- 6 fund whose property tax rate was initially established or
- 7 reestablished for a stated assessment year that succeeds the
- 8 1983 stated assessment year; minus
- 9 (F) the remainder of:
- 10 (i) the total property taxes imposed in the county for the
- 11 stated assessment year under authority of IC 21-2-6
- 12 **(repealed)** or any citation listed in IC 6-1.1-18.5-9.8 for a
- 13 cumulative building fund whose property tax rate was not
- 14 initially established or reestablished for a stated assessment
- 15 year that succeeds the 1983 stated assessment year; minus
- 16 (ii) the total property taxes imposed in the county for the
- 17 1984 stated assessment year under the authority of IC 21-2-6
- 18 **(repealed)** or any citation listed in IC 6-1.1-18.5-9.8 for a
- 19 cumulative building fund whose property tax rate was not
- 20 initially established or reestablished for a stated assessment
- 21 year that succeeds the 1983 stated assessment year; minus
- 22 (G) the amount of property taxes imposed in the county for the
- 23 stated assessment year under:
- 24 (i) IC 21-2-15 for a capital projects fund; plus
- 25 (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- 26 (iii) IC 20-14-13 for a library capital projects fund; plus
- 27 (iv) IC 20-5-17.5-3 for an art association fund; plus
- 28 (v) IC 21-2-17 for a special education preschool fund; plus
- 29 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in
- 30 a school corporation's maximum permissible general fund
- 31 levy for certain transfer tuition costs; plus
- 32 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in
- 33 a school corporation's maximum permissible general fund
- 34 levy for transportation operating costs; minus
- 35 (H) the amount of property taxes imposed by a school
- 36 corporation that is attributable to the passage, after 1983, of a
- 37 referendum for an excessive tax levy under IC 6-1.1-19,
- 38 including any increases in these property taxes that are
- 39 attributable to the adjustment set forth in ~~IC 6-1.1-19-1.5(a)~~
- 40 **STEP ONE** or any other law; minus
- 41 (I) for each township in the county, the lesser of:
- 42 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)
- 43 **STEP THREE** or IC 6-1.1-18.5-19(b) **STEP THREE**,
- 44 whichever is applicable, plus the part, if any, of the
- 45 township's ad valorem property tax levy for calendar year
- 46 1989 that represents increases in that levy that resulted from

- 1 an appeal described in IC 6-1.1-18.5-13(5) filed after  
 2 December 31, 1982; or  
 3 (ii) the amount of property taxes imposed in the township for  
 4 the stated assessment year under the authority of  
 5 IC 36-8-13-4; minus  
 6 (J) for each participating unit in a fire protection territory  
 7 established under IC 36-8-19-1, the amount of property taxes  
 8 levied by each participating unit under IC 36-8-19-8 and  
 9 IC 36-8-19-8.5 less the maximum levy limit for each of the  
 10 participating units that would have otherwise been available  
 11 for fire protection services under IC 6-1.1-18.5-3 and  
 12 IC 6-1.1-18.5-19 for that same year; ~~minus~~  
 13 ~~(K) for each county, the sum of:~~  
 14 ~~(i) the amount of property taxes imposed in the county for~~  
 15 ~~the repayment of loans under IC 12-19-5-6 that is included~~  
 16 ~~in the amount determined under IC 12-19-7-4(a) STEP~~  
 17 ~~SEVEN for property taxes payable in 1995; or for property~~  
 18 ~~taxes payable in each year after 1995; the amount~~  
 19 ~~determined under IC 12-19-7-4(b); and~~  
 20 ~~(ii) the amount of property taxes imposed in the county~~  
 21 ~~attributable to appeals granted under IC 6-1.1-18.6-3 that is~~  
 22 ~~included in the amount determined under IC 12-19-7-4(a)~~  
 23 ~~STEP SEVEN for property taxes payable in 1995; or the~~  
 24 ~~amount determined under IC 12-19-7-4(b) for property taxes~~  
 25 ~~payable in each year after 1995; plus~~  
 26 (2) all taxes to be paid in the county in respect to mobile home  
 27 assessments currently assessed for the year in which the taxes  
 28 stated in the abstract are to be paid; plus  
 29 (3) the amounts, if any, of county adjusted gross income taxes that  
 30 were applied by the taxing units in the county as property tax  
 31 replacement credits to reduce the individual levies of the taxing  
 32 units for the assessment year, as provided in IC 6-3.5-1.1; plus  
 33 (4) the amounts, if any, by which the maximum permissible ad  
 34 valorem property tax levies of the taxing units of the county were  
 35 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated  
 36 assessment year; plus  
 37 (5) the difference between:  
 38 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;  
 39 minus  
 40 (B) the amount the civil taxing units' levies were increased  
 41 because of the reduction in the civil taxing units' base year  
 42 certified shares under IC 6-1.1-18.5-3(e).  
 43 (h) "December settlement sheet" means the certificate of settlement  
 44 filed by the county auditor with the auditor of state, as required under  
 45 IC 6-1.1-27-3.  
 46 (i) "Tax duplicate" means the roll of property taxes which each

1 county auditor is required to prepare on or before March 1 of each year  
2 under IC 6-1.1-22-3.

3 SECTION 5. IC 6-1.1-29-9, AS AMENDED BY P.L.273-1999,  
4 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2001]: Sec. 9. (a) A county council may adopt an  
6 ordinance to abolish the county board of tax adjustment. This ordinance  
7 must be adopted by July 1 and may not be rescinded in the year it is  
8 adopted. Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19,  
9 ~~IC 12-19-7~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11,  
10 IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted,  
11 this section governs the treatment of tax rates, tax levies, and budgets  
12 that would otherwise be reviewed by a county board of tax adjustment  
13 under IC 6-1.1-17.

14 (b) The time requirements set forth in IC 6-1.1-17 govern all filings  
15 and notices.

16 (c) A tax rate, tax levy, or budget that otherwise would be reviewed  
17 by the county board of tax adjustment is considered and must be treated  
18 for all purposes as if the county board of tax adjustment approved the  
19 tax rate, tax levy, or budget. This includes the notice of tax rates that is  
20 required under IC 6-1.1-17-12.

21 SECTION 6. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999,  
22 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JANUARY 1, 2001]: Sec. 15. (a) As used in this section, "attributed  
24 levy" of a civil taxing unit means the sum of:

25 (1) the ad valorem property tax levy of the civil taxing unit that is

26 currently being collected at the time the allocation is made; plus

27 (2) the current ad valorem property tax levy of any special taxing  
28 district, authority, board, or other entity formed to discharge  
29 governmental services or functions on behalf of or ordinarily  
30 attributable to the civil taxing unit; plus

31 (3) the amount of federal revenue sharing funds and certified  
32 shares that were used by the civil taxing unit (or any special  
33 taxing district, authority, board, or other entity formed to  
34 discharge governmental services or functions on behalf of or  
35 ordinarily attributable to the civil taxing unit) to reduce its ad  
36 valorem property tax levies below the limits imposed by  
37 IC 6-1.1-18.5; plus

38 (4) in the case of a county, an amount equal to the property taxes  
39 imposed by the county in 1999 for the county's welfare fund and  
40 welfare administration fund; **plus**

41 **(5) in the case of a county, an amount equal to the property**  
42 **taxes imposed by the county in 2000 for the county's family**  
43 **and children's fund, county medical assistance to wards,**  
44 **county hospital care for the indigent, and children with**  
45 **special health care needs.**

46 (b) The part of a county's certified distribution that is to be used as

certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of his county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 7. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 17.6. (a) This section applies to a county containing a consolidated city.

(b) On or before July 15 of each year, the budget agency shall make the following calculation:

STEP ONE: Determine the cumulative balance in a county's account established under section 16 of this chapter as of the end of the current calendar year.

STEP TWO: Divide the amount estimated under section 17(b) of this chapter before any adjustments are made under section 17(c) or 17(d) of this chapter by twelve (12).

STEP THREE: Multiply the STEP TWO amount by three (3).

STEP FOUR: Subtract the amount determined in STEP THREE from the amount determined in STEP ONE.

(c) For 1995, the budget agency shall certify the STEP FOUR amount to the county auditor on or before July 15, 1994. Not later than January 31, 1995, the auditor of state shall distribute the STEP FOUR amount to the county auditor to be used to retire outstanding obligations for a qualified economic development tax project (as defined in IC 36-7-27-9).

(d) After 1995, the STEP FOUR amount shall be distributed to the county auditor in January of the ensuing calendar year. The STEP



1 FOUR amount shall be distributed by the county auditor to the civil  
 2 taxing units within thirty (30) days after the county auditor receives the  
 3 distribution. Each civil taxing unit's share equals the STEP FOUR  
 4 amount multiplied by the quotient of:

5 (1) the maximum permissible property tax levy under  
 6 IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an  
 7 amount equal to the property taxes imposed by the county in 1999  
 8 for the county's welfare administration fund **and an amount**  
 9 **equal to the property taxes imposed by the county in 2000 for**  
 10 **the county's family and children's fund, county medical**  
 11 **assistance to wards, county hospital care for the indigent, and**  
 12 **children with special health care needs;** divided by

13 (2) the sum of the maximum permissible property tax levies under  
 14 IC 6-1.1-18.5 for all civil taxing units of the county, plus an  
 15 amount equal to the property taxes imposed by the county in 1999  
 16 for the county's welfare administration fund **and an amount**  
 17 **equal to the property taxes imposed by the county in 2000 for**  
 18 **the county's family and children's fund, county medical**  
 19 **assistance to wards, county hospital care for the indigent, and**  
 20 **children with special health care needs.**

21 SECTION 8. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999,  
 22 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JANUARY 1, 2001]: Sec. 18. (a) The revenue a county auditor  
 24 receives under this chapter shall be used to:

- 25 (1) replace the amount, if any, of property tax revenue lost due to
- 26 the allowance of an increased homestead credit within the county;
- 27 (2) fund the operation of a public communications system and
- 28 computer facilities district as provided in an election, if any, made
- 29 by the county fiscal body under IC 36-8-15-19(b);
- 30 (3) fund the operation of a public transportation corporation as
- 31 provided in an election, if any, made by the county fiscal body
- 32 under IC 36-9-4-42;
- 33 (4) make payments permitted under IC 36-7-15.1-17.5;
- 34 (5) make payments permitted under subsection ~~(f)~~; (i); and
- 35 (6) make distributions of distributive shares to the civil taxing
- 36 units of a county.

37 (b) The county auditor shall retain from the payments of the county's  
 38 certified distribution, an amount equal to the revenue lost, if any, due  
 39 to the increase of the homestead credit within the county. This money  
 40 shall be distributed to the civil taxing units and school corporations of  
 41 the county as though they were property tax collections and in such a  
 42 manner that no civil taxing unit or school corporation shall suffer a net  
 43 revenue loss due to the allowance of an increased homestead credit.

44 (c) The county auditor shall retain the amount, if any, specified by  
 45 the county fiscal body for a particular calendar year under subsection  
 46 ~~(f)~~; (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the

1 county's certified distribution for that same calendar year. The county  
2 auditor shall distribute amounts retained under this subsection to the  
3 county.

4 (d) All certified distribution revenues that are not retained and  
5 distributed under subsections (b) and (c) shall be distributed to the civil  
6 taxing units of the county as distributive shares.

7 (e) The amount of distributive shares that each civil taxing unit in  
8 a county is entitled to receive during a month equals the product of the  
9 following:

10 (1) The amount of revenue that is to be distributed as distributive  
11 shares during that month; multiplied by

12 (2) A fraction. The numerator of the fraction equals the total  
13 property taxes that are first due and payable to the civil taxing  
14 unit during the calendar year in which the month falls, plus, for a  
15 county, an amount equal to the property taxes imposed by the  
16 county in 1999 for the county's welfare fund and welfare  
17 administration fund **and an amount equal to the property taxes**  
18 **imposed by the county in 2000 for the county's family and**  
19 **children's fund, county medical assistance to wards, county**  
20 **hospital care for the indigent, and children with special health**  
21 **care needs.** The denominator of the fraction equals the sum of the  
22 total property taxes that are first due and payable to all civil taxing  
23 units of the county during the calendar year in which the month  
24 falls, plus an amount equal to the property taxes imposed by the  
25 county in 1999 for the county's welfare fund and welfare  
26 administration fund **and an amount equal to the property taxes**  
27 **imposed by the county in 2000 for the county's family and**  
28 **children's fund, county medical assistance to wards, county**  
29 **hospital care for the indigent, and children with special health**  
30 **care needs.**

31 (f) The state board of tax commissioners shall provide each county  
32 auditor with the fractional amount of distributive shares that each civil  
33 taxing unit in the auditor's county is entitled to receive monthly under  
34 this section.

35 (g) Notwithstanding subsection (e), if a civil taxing unit of an  
36 adopting county does not impose a property tax levy that is first due  
37 and payable in a calendar year in which distributive shares are being  
38 distributed under this section, that civil taxing unit is entitled to receive  
39 a part of the revenue to be distributed as distributive shares under this  
40 section within the county. The fractional amount such a civil taxing  
41 unit is entitled to receive each month during that calendar year equals  
42 the product of the following:

43 (1) The amount to be distributed as distributive shares during that  
44 month; multiplied by

45 (2) A fraction. The numerator of the fraction equals the budget of  
46 that civil taxing unit for that calendar year. The denominator of

the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The state board of tax commissioners shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 9. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

1	Center Township	\$1,898,145
2	Decatur Township	\$164,103
3	Franklin Township	\$173,934
4	Lawrence Township	\$890,086
5	Perry Township	\$854,544
6	Pike Township	\$1,410,375
7	Warren Township	\$1,027,721
8	Washington Township	\$1,017,890
9	Wayne Township	\$988,397
10	Lawrence-City	\$648,848
11	Beech Grove	\$639,017
12	Southport	\$18,906
13	Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2000 for a county family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2000 for a county family and children's fund, county medical assistance to wards,**

**county hospital care for the indigent, and children with special health care needs.**

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2000 for a county family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2000 for a county family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs.**

SECTION 10. IC 6-3.5-7-12, AS AMENDED BY P.L.124-1999, SECTION 1, AND AS AMENDED BY P.L.273-1999, SECTION 74, IS AMENDED AND IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) Except as provided in section 23 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and

each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of the following:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) For a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **and an amount equal to the property taxes imposed by the county in 2000 for the county's family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs.**

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **and an amount equal to the property taxes imposed by the county in 2000 for the county's family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of

1 specified lease rental or debt service payments.

2 (d) The body imposing the tax may not adopt an ordinance under  
3 subsection (c) if, before the adoption of the proposed ordinance, any of  
4 the following have pledged the county economic development income  
5 tax for any purpose permitted by IC 5-1-14 or any other statute:

6 (1) The county.

7 (2) A city or town in the county.

8 (3) A commission, a board, a department, or an authority that is  
9 authorized by statute to pledge the county economic development  
10 income tax.

11 (e) The state board of tax commissioners shall provide each county  
12 auditor with the fractional amount of the certified distribution that the  
13 county and each city or town in the county is entitled to receive under  
14 this section.

15 (f) Money received by a county, city, or town under this section  
16 shall be deposited in the unit's economic development income tax fund.

17 (g) Except as provided in subsection (b)(2)(B), in determining the  
18 fractional amount of the certified distribution the county and its cities  
19 and towns are entitled to receive under subsection (b) during a calendar  
20 year, the state board of tax commissioners shall consider only property  
21 taxes imposed on tangible property subject to assessment in that  
22 county.

23 (h) In a county having a consolidated city, only the consolidated city  
24 is entitled to the certified distribution, subject to the requirements of  
25 section 15 of this chapter.

26 SECTION 11. IC 12-7-2-45 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 45. "County  
28 office" refers to a county office of family and children **within the**  
29 **division of family and children.**

30 SECTION 12. IC 12-7-2-91, AS AMENDED BY P.L.273-1999,  
31 SECTION 60, AND AS AMENDED BY P.L.273-1999, SECTION  
32 164, IS AMENDED AND CORRECTED TO READ AS FOLLOWS  
33 [EFFECTIVE JANUARY 1, 2001]: Sec. 91. "Fund" means the  
34 following:

35 (1) For purposes of IC 12-12-1-9, the fund described in  
36 IC 12-12-1-9.

37 ~~(2) For purposes of IC 12-13-8, the meaning set forth in~~  
38 ~~IC 12-13-8-1.~~

39 ~~(3) (2)~~ For purposes of IC 12-15-20, the meaning set forth in  
40 IC 12-15-20-1.

41 ~~(4) (3)~~ For purposes of IC 12-17-12, the meaning set forth in  
42 IC 12-17-12-4.

43 ~~(5) (4)~~ For purposes of IC 12-17.6, the meaning set forth in  
44 IC 12-17.6-1-3.

45 (5) ~~(6)~~ For purposes of IC 12-18-4, the meaning set forth in  
46 IC 12-18-4-1.

(6) ~~(7)~~ For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.

~~(7) (8) For purposes of IC 12-19-3, the meaning set forth in IC 12-19-3-1.~~

~~(8) (9) For purposes of IC 12-19-4, the meaning set forth in IC 12-19-4-1.~~

~~(9) (10)~~ (7) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.

~~(10) (11)~~ (8) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(11) (12)~~ (9) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(12) (13)~~ (10) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(13) (14)~~ (11) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 13. IC 12-13-5-1, AS AMENDED BY P.L.273-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. The division shall administer or supervise the public welfare activities of the state. The division has the following powers and duties:

(1) The administration of old age assistance, aid to dependent children, and assistance to the needy blind and persons with disabilities, excluding assistance to children with special health care needs.

(2) The administration of the following:

(A) Any public child welfare service.

(B) The licensing and inspection under IC 12-17.2 and IC 12-17.4.

(C) The care of dependent and neglected children in foster family homes or institutions, especially children placed for adoption or those born out of wedlock.

(D) The interstate placement of children.

(3) The provision of services to county governments, including the following:

(A) Organizing and supervising county offices for the effective administration of public welfare functions.

(B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.

(C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.

(4) Prescribing the form of, printing, and supplying to the county departments blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.

(5) Cooperating with the federal Social Security Administration



1 and with any other agency of the federal government in any  
 2 reasonable manner necessary and in conformity with IC 12-13  
 3 through IC 12-19 to qualify for federal aid for assistance to  
 4 persons who are entitled to assistance under the federal Social  
 5 Security Act. The responsibilities include the following:

6 (A) Making reports in the form and containing the information  
 7 that the federal Social Security Administration Board or any  
 8 other agency of the federal government requires.

9 (B) Complying with the requirements that a board or agency  
 10 finds necessary to assure the correctness and verification of  
 11 reports.

12 (6) Appointing from eligible lists established by the state  
 13 personnel board employees of the division necessary to effectively  
 14 carry out IC 12-13 through IC 12-19. The division may not  
 15 appoint a person who is not a citizen of the United States and who  
 16 has not been a resident of Indiana for at least one (1) year  
 17 immediately preceding the person's appointment unless a  
 18 qualified person cannot be found in Indiana for a position as a  
 19 result of holding an open competitive examination.

20 (7) Assisting the office of Medicaid policy and planning in fixing  
 21 fees to be paid to ophthalmologists and optometrists for the  
 22 examination of applicants for and recipients of assistance as  
 23 needy blind persons.

24 (8) When requested, assisting other departments, agencies,  
 25 divisions, and institutions of the state and federal government in  
 26 performing services consistent with this article.

27 (9) Acting as the agent of the federal government for the  
 28 following:

29 (A) In welfare matters of mutual concern under IC 12-13  
 30 through IC 12-19.

31 (B) In the administration of federal money granted to Indiana  
 32 in aiding welfare functions of the state government.

33 (10) Administering additional public welfare functions vested in  
 34 the division by law and providing for the progressive codification  
 35 of the laws the division is required to administer.

36 (11) Supervising day care centers and child placing agencies.

37 (12) Supervising the licensing and inspection of all public child  
 38 caring agencies.

39 (13) Supervising the care of delinquent children and children in  
 40 need of services.

41 (14) Assisting juvenile courts as required by IC 31-30 through  
 42 IC 31-40.

43 (15) Supervising the care of dependent children and children  
 44 placed for adoption.

45 (16) Compiling information and statistics concerning the ethnicity  
 46 and gender of a program or service recipient.

(17) Providing permanency planning services for children in need of services, including:

(A) making children legally available for adoption; and

(B) placing children in adoptive homes;

in a timely manner.

**(18) Operating each county office as an administrative unit within the division.**

SECTION 14. IC 12-13-5-5, AS AMENDED BY P.L.273-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5. (a) Each county auditor shall keep records and make reports relating to the county welfare fund (before July 1, 2001), the family and children's fund (**before July 1, 2002**), and other financial transactions as required under IC 12-13 through IC 12-19 and as required by the division.

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division and the state board of accounts.

SECTION 15. IC 12-13-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. The division shall ~~administer the state medical assistance to wards fund and shall use money in the fund to~~ defray the expenses and obligations incurred by the division for medical assistance to wards and associated administrative costs.

SECTION 16. IC 12-14-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) The division may accept voluntary contributions from a person desiring to contribute to the support of a parent or other person who receives public assistance.

(b) The division shall deposit contributions made under this section in the state ~~welfare~~ **general fund or a trust fund, as appropriate.**

SECTION 17. IC 12-14-22-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) A schedule of payments made to or for the benefit of each recipient under this article shall be filed by the ~~county office~~ **division** each month with the ~~county auditor and the~~ prosecuting attorney.

(b) The schedule shall be kept open to the public at all times for inspection, study, and securing data. The schedule must contain the names and addresses, in alphabetical order, of all recipients of benefits.

SECTION 18. IC 12-15-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. (a) For each state fiscal year beginning on or after July 1, 1997, a hospital is entitled to a payment under this section.

(b) Total payments to hospitals under this section for a state fiscal year shall be equal to all amounts transferred from the hospital care for the indigent fund for Medicaid current obligations during the state fiscal year, including amounts of the fund appropriated for Medicaid

1 current obligations.

2 (c) The payment due to a hospital under this section must be based  
3 on a policy developed by the office. The policy:

4 (1) is not required to provide for equal payments to all hospitals;  
5 (2) ~~must attempt, to the extent practicable as determined by the~~  
6 ~~office, to establish a payment rate that minimizes the difference~~  
7 ~~between the aggregate amount paid under this section to all~~  
8 ~~hospitals in a county for a state fiscal year and the amount of the~~  
9 ~~county's hospital care for the indigent property tax levy for that~~  
10 ~~state fiscal year; and~~

11 (3) (2) must provide that no hospital will receive a payment under  
12 this section less than the amount the hospital received under  
13 ~~IC 12-15-15-8 section 8 of this chapter (repealed)~~ for the state  
14 fiscal year ending June 30, 1997.

15 (d) Following the transfer of funds under subsection (b), an amount  
16 equal to the amount determined in the following STEPS shall be  
17 deposited in the Medicaid indigent care trust fund under  
18 IC 12-15-20-2(1) and used to pay the state's share of the enhanced  
19 disproportionate share payments to providers for the state fiscal year:

20 STEP ONE: Determine the difference between:

21 (A) the amount transferred from the state hospital care for the  
22 indigent fund under subsection (b); and

23 (B) thirty-five million dollars (\$35,000,000).

24 STEP TWO: Multiply the amount determined under STEP ONE  
25 by the federal medical assistance percentage for the state fiscal  
26 year.

27 SECTION 19. IC 12-16-7-2 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) Except as  
29 provided in section 5 of this chapter, claims for payment shall be  
30 segregated by year using the patient's admission date.

31 (b) ~~Each year the division shall pay claims as provided in section 4~~  
32 ~~of this chapter, without regard to the county of admission or that~~  
33 ~~county's transfer to the state fund.~~

34 SECTION 20. IC 12-16-7-3 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. A payment  
36 made to a hospital under the hospital care for the indigent program  
37 must be on a warrant drawn on the state ~~hospital care for the indigent~~  
38 ~~fund established by IC 12-16-14.~~ **general fund.**

39 SECTION 21. IC 12-16-7-4 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) Each year  
41 the division shall pay two-thirds (2/3) of each claim upon submission  
42 and approval of the claim.

43 (b) If the amount of money in the state hospital care for the indigent  
44 fund in a year is insufficient to pay two-thirds (2/3) of each approved  
45 claim for patients admitted in that year, the state's ~~and a county's~~  
46 liability to providers under the hospital care for the indigent program

for claims approved for patients admitted in that year is limited to the sum of the following:

~~(1) The amount transferred to the state hospital care for the indigent fund from county hospital care for the indigent funds in that year under IC 12-16-14.~~

~~(2) (1) Any contribution to the fund in that year.~~

~~(3) (2) Any amount that was appropriated to the state hospital care for the indigent fund program for that year by the general assembly.~~

~~(4) Any amount that was carried over to the state hospital care for the indigent fund from a preceding year.~~

~~(c) This section does not obligate the general assembly to appropriate money to the state hospital care for the indigent fund.~~

SECTION 22. IC 12-16-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5. Before the end of each state fiscal year, the division shall, to the extent there is money ~~in~~ **appropriated to** the state hospital care for the indigent ~~fund~~ **program**, pay each provider under the hospital care for the indigent program a pro rata part of the one-third (1/3) balance on each approved claim for patients admitted during the preceding year.

SECTION 23. IC 12-17-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of assistance, as prescribed by the division, must be entered on a certificate.

(b) The division shall prescribe the form for the certificate under subsection (a). The certificate must bear the impress of the division's seal.

(c) The county office shall prepare ~~four (4)~~ **three (3)** copies of the certificate under subsection (a). The county office shall distribute copies of the certificate as follows:

(1) One (1) copy must be retained by the office of the county office.

(2) One (1) copy must be filed with and retained by the **central office of the** division.

~~(3) One (1) copy must be filed with and retained by the office of the county auditor.~~

~~(4) (3) One (1) copy must be given to the recipient.~~

SECTION 24. IC 12-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) This section does not apply to a county department's:

(1) administrative expenses; or

(2) expenses regarding facilities, supplies, and equipment.

(b) Necessary expenses incurred in the administration of the child welfare services under section 1 of this chapter shall be paid out of the ~~county welfare fund or the~~ county family and children's fund.

(~~whichever is appropriate~~).

SECTION 25. IC 12-19-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. A county office of family and children is established in each county **as an office within the division of family and children.**

SECTION 26. IC 12-19-1-9, AS AMENDED BY P.L.273-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. (a) The division shall provide the necessary facilities to house the county office.

(b) The division shall pay for the costs of the facilities, supplies, and equipment needed by each county office. ~~including the transfer to the county that is required by IC 12-13-5.~~

SECTION 27. IC 12-19-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. (a) ~~Subject to the rules adopted by the director of~~ The division a county office shall administer the following **through a county office:**

- (1) Assistance to dependent children in the homes of the dependent children.
- (2) Assistance and services to elderly persons.
- (3) Assistance to persons with disabilities.
- (4) Care and treatment of the following persons:
  - (A) Children in need of services.
  - (B) Dependent children.
  - (C) Children with disabilities.
- (5) Licensing of foster family homes for the placement of children in need of services.
- (6) Supervision of the care and treatment of children in need of services in foster family homes.
- (7) Licensing of foster family homes for the placement of delinquent children.
- (8) Supervision of the care and treatment of delinquent children in foster family homes.
- (9) Provision of family preservation services.
- (10) Any other welfare activities that are delegated to the county office by the division under this chapter, including services concerning assistance to the blind.

**(b) The division shall pay the expenses and obligations incurred after December 31, 2000, to carry out responsibilities of the county office.**

SECTION 28. IC 12-19-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 13. (a) A county office **or the division** may sue and be sued under the name of "The County Office of Family and Children of \_\_\_\_\_ County".

(b) The county office has all other rights and powers and shall perform all other duties necessary to administer this chapter.

(c) A suit brought against **the division that involves** a county office

1 may be filed in the following:

2 (1) The circuit court with jurisdiction in the county.

3 (2) A superior court or any other court of the county.

4 (d) A notice or summons in a suit brought against the **division that**  
 5 **involves a** county office must be served on the county director **or the**  
 6 **director of the division of family and children.** It is not required to  
 7 name the individual employees of the county office as either plaintiff  
 8 or defendant.

9 SECTION 29. IC 12-19-1-14, AS AMENDED BY P.L.273-1999,  
 10 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JANUARY 1, 2001]: Sec. 14. (a) A county office may charge the  
 12 following adoption fees:

13 (1) An adoption placement fee that may not exceed the actual  
 14 costs incurred by the county office for medical expenses of  
 15 children and mothers.

16 (2) A fee that does not exceed the time and travel costs incurred  
 17 by the county office for home study and investigation concerning  
 18 a contemplated adoption.

19 (b) Fees charged under this section shall be deposited in a separate  
 20 account in the county family and children trust clearance fund  
 21 established under section 16 of this chapter. Money deposited under  
 22 this subsection ~~shall be expended~~ **is annually appropriated for use** by  
 23 the county office for the following purposes: ~~without further~~  
 24 ~~appropriation:~~

25 (1) The care of children whose adoption is contemplated.

26 (2) The improvement of adoption services provided by the county  
 27 departments.

28 (c) The director of the division may adopt rules governing the  
 29 expenditure of money under this section.

30 (d) The division may provide written authorization allowing a  
 31 county office to reduce or waive charges authorized under this section  
 32 in hardship cases or for other good cause after investigation. The  
 33 division may adopt forms on which the written authorization is  
 34 provided.

35 SECTION 30. IC 12-19-1-18, AS AMENDED BY P.L.273-1999,  
 36 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2001]: Sec. 18. (a) After petition to and with the  
 38 approval of the judge of the circuit court, ~~a county office~~ **the division**  
 39 may take the actions described in subsection (b) if:

40 (1) an applicant for public assistance is physically or mentally  
 41 incapable of completing an application for assistance; or

42 (2) a recipient of public assistance:

43 (A) is incapable of managing the recipient's affairs; or

44 (B) refuses to:

45 (i) take care of the recipient's money properly; or

46 (ii) comply with the director of the division's rules and

1 policies.

2 (b) If the conditions of subsection (a) are satisfied, the ~~county office~~  
3 **division** may designate a responsible person to do the following:

4 (1) Act for the applicant or recipient.

5 (2) Receive on behalf of the recipient the assistance the recipient  
6 is eligible to receive under any of the following:

7 (A) This chapter.

8 (B) IC 12-10-6.

9 (C) IC 12-14-1 through IC 12-14-9.5.

10 (D) IC 12-14-13 through IC 12-14-19.

11 (E) IC 12-15.

12 (F) IC 12-17-1 through IC 12-17-3.

13 (G) IC 16-35-2.

14 (c) A fee for services provided under this section may be paid to the  
15 responsible person in an amount not to exceed ten dollars (\$10) each  
16 month. The fee may be allowed:

17 (1) in the monthly assistance award; or

18 (2) by vendor payment if the fee would cause the amount of  
19 assistance to be increased beyond the maximum amount permitted  
20 by statute.

21 SECTION 31. IC 12-19-1-21, AS ADDED BY P.L.273-1999,  
22 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JANUARY 1, 2001]: Sec. 21. (a) Notwithstanding any other law, after  
24 December 31, 1999, a county may not impose any of the following:

25 (1) A property tax levy for a county welfare fund.

26 (2) A property tax levy for a county welfare administration fund.

27 **(b) Notwithstanding any other law, after December 31, 2000, a**  
28 **county may not impose a property tax levy for a county family and**  
29 **children's fund, county medical assistance to wards, county**  
30 **hospital care for the indigent, and children with special health care**  
31 **needs.**

32 SECTION 32. IC 12-19-1-22, AS ADDED BY P.L.273-1999,  
33 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JANUARY 1, 2001]: Sec. 22. (a) All bonds issued and loans made  
35 under IC 12-1-11 (before its repeal) or this article:

36 (1) before January 1, 2000, that are payable from property taxes  
37 imposed under IC 12-19-3 (before its repeal); or

38 **(2) before January 1, 2001, that were payable from property**  
39 **taxes imposed under IC 12-19-7-3 (before the elimination of**  
40 **authority to impose a property tax levy under IC 12-19-7-3);**

41 ~~(1)~~ are direct general obligations of the county issuing the bonds or  
42 making the loans and ~~(2)~~ are payable out of unlimited ad valorem taxes  
43 that shall be levied and collected on all taxable property within the  
44 county.

45 (b) Each official and body responsible for the levying of taxes for  
46 the county must ensure that sufficient levies are made to meet the

principal and interest on the bonds and loans at the time fixed for the payment of the principal and interest, without regard to any other statute. If an official or a body fails or refuses to make or allow a sufficient levy required by this section, the bonds and loans and the interest on the bonds and loans shall be payable out of the county general fund without appropriation.

SECTION 33. IC 12-19-1-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 23. Notwithstanding any other law, after December 31, 2000, the state shall fund one hundred percent (100%) of the programs, services, and activities paid from any of the following before January 1, 2001:**

- (1) IC 12-13-8 (county medical assistance to wards fund).
- (2) IC 12-16-14 (county hospital care for the indigent fund).
- (3) IC 12-19-7 (county family and children's fund).
- (4) IC 16-35-3 (children with special health care needs county fund and tax levy).

SECTION 34. IC 12-19-1-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 24. Notwithstanding any other law, the division of family and children shall reimburse each county for one hundred percent (100%) of the proportionate share of operating costs of the county auditor and county treasurer for the support of the county family and children's fund, based upon an approved indirect cost plan.**

SECTION 35. IC 12-19-1.5-6, AS ADDED BY P.L.273-1999, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. As used in this chapter, "replacement amount" means the sum of:

- (1) the property taxes imposed on the assessed value of property in the allocation area in excess of the base assessed value in 1999 for:
  - (+) (A) the county welfare fund; and
  - (-) (B) the county welfare administration fund; and
- (2) the property taxes imposed on the assessed value of property in the allocation area in excess of the base assessed value in 2000 for the county family and children's fund, county medical assistance to wards, county hospital care for the indigent, and children with special health care needs.

SECTION 36. IC 12-19-1.5-8, AS ADDED BY P.L.273-1999, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) This chapter applies to an allocation area:

- (1) in which:
  - (+) (A) the holders of obligations received a pledge before July 1, 1999, of tax increment revenues to repay any part of the obligations due after December 31, 1999; and



(2) ~~(B)~~ the elimination of a county welfare fund property tax levy or a county welfare administration fund property tax levy adversely affects the ability of the governing body to repay the obligations described in ~~subdivision (1)~~; **clause (A); or**

**(2) in which:**

**(A) the holders of obligations received a pledge before July 1, 2000, of tax increment revenues to repay any part of the obligations due after December 31, 2000; and**

**(B) the elimination of a county family and children's fund property tax levy, the county medical assistance to wards tax levy, the county hospital care for the indigent tax levy, and the children with special health care needs tax levy adversely affects the ability of the governing body to repay the obligations described in clause (A).**

(b) A governing body may use one (1) or more of the procedures described in sections 9 through 11 of this chapter to provide sufficient funds to repay the obligations described in subsection (a). The amount raised each year may not exceed the replacement amount.

SECTION 37. IC 12-19-1.5-9, AS ADDED BY P.L.273-1999, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. (a) A governing body may, after a public hearing, impose a special assessment on the owners of property that is located in an allocation area to repay:

**(1) a bond or an obligation described in ~~section 8~~ section 8(a)(1) of this chapter that comes due after December 31, 1999; or**

**(2) a bond or an obligation described in section 8(a)(2) of this chapter that comes due after December 31, 2000.**

The amount of a special assessment for a taxpayer shall be determined by multiplying the replacement amount by a fraction, the denominator of which is the total incremental assessed value in the allocation area, and the numerator of which is the incremental assessed value of the taxpayer's property in the allocation area.

(b) Before a public hearing under subsection (a) may be held, the governing body must publish notice of the hearing under IC 5-3-1. The notice must state that the governing body will meet to consider whether a special assessment should be imposed under this chapter and whether the special assessment will help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. The notice must also name a date when the governing body will receive and hear remonstrances and objections from persons affected by the special assessment. All persons affected by the hearing, including all taxpayers within the allocation area, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, and orders of the governing body by the notice. At the hearing, which may be adjourned from time to time, the governing body shall hear all persons affected by

the proceedings and shall consider all written remonstrances and objections that have been filed. The only grounds for remonstrance or objection are that the special assessment will not help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. After considering the evidence presented, the governing body shall take final action concerning the proposed special assessment. The final action taken by the governing body shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by subsection (c).

(c) A person who filed a written remonstrance with a governing body under subsection (b) and is aggrieved by the final action taken may, within ten (10) days after that final action, file in the office of the clerk of the circuit or superior court a copy of the order of the governing body and the person's remonstrance or objection against that final action, together with a bond conditioned to pay the costs of appeal if the appeal is determined against the person. The only ground of remonstrance or objection that the court may hear is whether the proposed assessment will help achieve the redevelopment of economic development objectives for the allocation area or honor its obligations related to the allocation area. An appeal under this subsection shall be promptly heard by the court without a jury. All remonstrances or objections upon which an appeal has been taken must be consolidated, heard, and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances or objections, and may confirm the final action of the governing body or sustain the remonstrances or objections. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

(d) The maximum amount of a special assessment under this section may not exceed the replacement amount.

(e) A special assessment shall be imposed and collected in the same manner as ad valorem property taxes are imposed and collected.

SECTION 38. IC 12-19-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) A family and children's fund is established in each county. ~~The fund shall be raised by a separate tax levy (the county family and children property tax levy) that:~~

~~(1) is in addition to all other tax levies authorized; and~~

~~(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to raise the part of the fund that the county must raise to pay the items; awards, claims, allowances, assistance, and other expenses set forth in the annual budget under section 6 of this chapter.~~

~~(b) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected. Notwithstanding any other law, after December 31, 2000, a county may not impose a~~

**property tax levy for the family and children's fund.**

(c) The following shall be paid into the county treasury and constitute the family and children's fund:

~~(1) All receipts from the tax imposed under this section.~~

~~(2) (1) All grants-in-aid; money allocated by the division to the county~~ whether received from the federal government or state government.

~~(3) (2) Any other money required by law to be placed in the fund.~~

(d) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved.

SECTION 39. IC 12-19-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. (a) **The judges of the courts with juvenile jurisdiction in the county shall annually compile and submit a proposed budget for children served by the probation department of the county. The judges shall submit the proposed budget to the county director on forms prescribed by the division, not later than March 1 of each year, for the next state fiscal year.**

(b) **The budget for children served by the probation department shall contain an estimate of the amount of money that will be needed by the county office during the state fiscal year to defray the expenses and obligations of the fund in the payment of:**

**(1) services for children adjudicated to be delinquent or children for whom a program of informal adjustment has been implemented under IC 31-37; and**

**(2) other services related to the services described in subdivision (1);**

**but not including the payment of Title IV-A assistance.**

(c) ~~The county director upon the advice of the judges of the courts with juvenile jurisdiction in the county;~~ shall annually compile and adopt a child services budget, which **must include the budget submitted by the judges under subsection (a). The budget submitted by the county director under this subsection** must be in a form prescribed by the ~~state board of accounts. The budget may not exceed the levy limitation set forth in IC 6-1.1-18.6.~~ **division.**

~~(b) (d)~~ **(d) The child services budget must contain an estimate of the amount of money that will be needed by the county office during the next state fiscal year to defray the expenses and obligations incurred by the county office in the payment of services for children adjudicated to be children in need of services or delinquent children and other related services, including amounts necessary to implement the county's early intervention plan approved under IC 31-34-24 and IC 31-37-24, but not including the payment of AFDC. Title IV-A assistance.**

SECTION 40. IC 12-19-7-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. ~~(a) The county director shall; with the assistance of the judges of courts with juvenile jurisdiction in the county and at the same time the budget is compiled and adopted; recommend to the division the tax levy that the director and judges determine will be required to raise the amount of revenue necessary to pay the expenses and obligations of the county office set forth in the budget under section 6 of this chapter. However, the tax levy may not exceed the maximum permissible levy set forth in IC 6-1.1-18.6 and the budget may not exceed the levy limitation set forth in IC 6-1.1-18.~~

~~(b)~~ After the county budget has been compiled, the county director shall submit a copy of the budget ~~and the tax levy recommended by the county director; and the judges of courts with juvenile jurisdiction in the county;~~ to the division **not later than April 1**. The division shall examine the budget ~~and the tax levy~~ for the purpose of determining whether, in the judgment of the division,

~~(1)~~ the appropriations requested in the budget will be adequate to defray the expenses and obligations **that will be** incurred by the county office in the payment of child services for the next fiscal year. ~~and~~

~~(2)~~ the tax levy recommended will yield the amount of the appropriation set forth in the budget.

**The budget submitted under this section is not subject to the provisions of IC 6-1.1-17 and IC 6-1.1-18.**

SECTION 41. IC 12-19-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. **(a)** The division may do **any of** the following after examining a budget submitted by the county ~~office:~~ **director:**

(1) Increase or decrease the amount of the budget or an item of the budget. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~

(2) Approve the budget as compiled by the county director. ~~and judges of courts with juvenile jurisdiction in the county.~~

(3) Recommend the increase or decrease of the tax levy; ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~

(4) Approve the tax levy as recommended by the county director and judges of courts with juvenile jurisdiction in the county.

**(b) The total amount of all approved child services budgets may not exceed the total amount appropriated for child services for the applicable state fiscal year.**

SECTION 42. IC 12-19-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~In September of each year; at the time provided by law;~~ **(a)** The county fiscal body shall ~~do the following:~~

~~(1)~~ make the appropriations out of the family and children's fund that are:

(A) (1) based on the budget as ~~submitted~~; **approved by the division**; and

(B) (2) necessary to maintain the child services of the county for the next **state** fiscal year. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~

(2) ~~Levy a tax in an amount necessary to produce the appropriated money.~~

(b) **The division shall make advances to the county family and children's fund to ensure that the amounts deposited in the county family and children's fund are adequate to meet the expenses that are to be paid from the fund. Amounts necessary to make the advances under this subsection are appropriated from the state general fund.**

(c) **The provisions of IC 6-1.1-18 concerning appropriations do not apply to appropriations of money from a county family and children's fund.**

(d) **Notwithstanding IC 36, a county is not required to publish notice of any claim or allowance that will be paid from the county family and children's fund.**

SECTION 43. IC 12-19-7-11.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11.1. (a) The judges of the courts with juvenile jurisdiction in the county and the county director shall meet with the ~~county fiscal body~~ **county's child protection team established under IC 31-33-3** at a public meeting

~~(1) in April; and~~

~~(2) after June 30 and before October 1;~~  
**in before April 1 of each year.**

(b) **At a meeting required in subsection (a), the county director and judges with juvenile jurisdiction shall present to the county fiscal body and the judges the following reports: information:**

(1) Expenditures made

(A) ~~during the immediately preceding calendar quarter~~ **current state fiscal year** from the family and children's fund in comparison to ~~one-fourth (1/4) of the budget and appropriations approved by the county fiscal body division for the calendar year. and~~

(B) ~~from the fund in the corresponding calendar quarter of each of the two (2) preceding calendar years.~~

(2) ~~Obligations incurred through the end of the immediately preceding calendar quarter~~ **during the current state fiscal year** that will be payable from the family and children's fund during the remainder of the ~~calendar~~ **current state fiscal year. or in any subsequent calendar year.**

(3) ~~The number of children, by category, for whom the family and children's fund was required to provide funds for services during the immediately preceding calendar quarter;~~ **current state fiscal**

**year, in comparison to the corresponding calendar quarter of each of the two (2) preceding calendar years preceding the current state fiscal year.**

(4) The number and type of out-of-home placements, by category, for which the family and children's fund was required to provide funds for foster home care or institutional placement, and the average daily, weekly or monthly cost of out of home placement care and services by category, during the ~~immediately preceding calendar quarter;~~ **current state fiscal year**, in comparison to the corresponding calendar quarter of each of the two (2) preceding calendar years **preceding the current state fiscal year.**

(5) The number of children, by category, for whom the family and children's fund was required to provide funds for services for children residing with the child's parent, guardian or custodian (other than foster home or institutional placement), and the average monthly cost of those services, during the ~~immediately preceding calendar quarter;~~ **current state fiscal year**, in comparison to the corresponding calendar quarter for each of the two (2) preceding calendar years **preceding the current state fiscal year.**

(c) In preparing the ~~reports~~ **information** described in subsection (b), the county director **and judges** may use the best ~~information~~ **data** reasonably available from the records of the ~~courts,~~ the county office, and the ~~county family and children's fund for calendar years before 1998;~~ **division.**

(d) At ~~each the~~ meeting described in subsection (a), the ~~county fiscal body;~~ judges and county director may

(1) discuss and suggest procedures to provide child welfare services in the most effective and cost-efficient manner. ~~and~~

(2) ~~consider actions needed; including revision of budgeting procedures; to eliminate or minimize any anticipated need for short term borrowing for the family and children's fund under any provisions of this chapter or IC 12-19-5.~~

SECTION 44. IC 12-19-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. (a) If at any time the county director determines that the family and children's fund is exhausted or will be exhausted before the close of a **state** fiscal year, the county director shall prepare an estimate and statement showing the amount of money, in addition to the money already made available, that will be necessary to defray the expenses of the county office and pay the obligations of the county office, excluding administrative expenses and facilities, supplies, and equipment expenses for the county office, in the administration of the county office's activities for the unexpired part of the **state** fiscal year.

(b) The county director shall do the following:

(1) Certify the estimate and statement to the ~~county executive.~~

1 **director.**

2 (2) File ~~the estimate and a~~ statement with the ~~county auditor.~~  
3 **director concerning:**

4 **(A) the reasons the family and children's fund is exhausted**  
5 **or will be exhausted; and**

6 **(B) the actions taken by the county office to avoid the**  
7 **exhaustion of the fund.**

8 SECTION 45. IC 12-19-7-21.5 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JANUARY 1, 2001]: **Sec. 21.5. Notwithstanding any**  
11 **other law, the state shall fund one hundred percent (100%) of the**  
12 **programs, services, and activities paid from county family and**  
13 **children's fund property tax levies before January 1, 2001.**

14 SECTION 46. IC 16-33-3-10 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. Whenever the  
16 circuit court having jurisdiction finds, upon application by the county  
17 office of family and children, that the parent or guardian of a client  
18 placed in the center is unable to meet the costs that the parent or  
19 guardian is required to pay for the services of the center, the court shall  
20 order payment of the costs ~~from the county general fund:~~ **by the**  
21 **division of family and children.**

22 SECTION 47. IC 16-33-4-17 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 17. (a) Each child,  
24 the estate of the child, the parent or parents of the child, or the guardian  
25 of the child, individually or collectively, are liable for the payment of  
26 the costs of maintenance of the child of up to one hundred percent  
27 (100%) of the per capita cost, except as otherwise provided. The cost  
28 shall be computed annually by dividing the total annual cost of  
29 operation for the fiscal year, exclusive of the cost of education  
30 programs, construction, and equipment, by the total child days each  
31 year. The maintenance cost shall be referred to as maintenance charges.  
32 The charge may not be levied against any of the following:

33 (1) The division of family and children or ~~the county office of~~  
34 ~~family and children to be derived from~~ county tax sources.

35 (2) A child orphaned by reason of the death of the natural parents.

36 (b) The billing and collection of the maintenance charges as  
37 provided for in subsection (a) shall be made by the superintendent of  
38 the home based on the per capita cost for the preceding fiscal year. All  
39 money collected shall be deposited in a fund to be known as the  
40 Indiana soldiers' and sailors' children's home maintenance fund. The  
41 fund shall be used by the state health commissioner for the:

42 (1) preventative maintenance; and

43 (2) repair and rehabilitation;

44 of buildings of the home that are used for housing, food service, or  
45 education of the children of the home.

46 (c) The superintendent of the home may, with the approval of the

1 state health commissioner, agree to accept payment at a lesser rate than  
 2 that prescribed in subsection (a). The superintendent of the home shall,  
 3 in determining whether or not to accept the lesser amount, take into  
 4 consideration the amount of money that is necessary to maintain or  
 5 support any member of the family of the child. All agreements to  
 6 accept a lesser amount are subject to cancellation or modification at  
 7 any time by the superintendent of the home with the approval of the  
 8 state health commissioner.

9 (d) A person who has been issued a statement of amounts due as  
 10 maintenance charges may petition the superintendent of the home for  
 11 a release from or modification of the statement and the superintendent  
 12 shall provide for hearings to be held on the petition. The superintendent  
 13 of the home may, with the approval of the state health commissioner  
 14 and after the hearing, cancel or modify the former statement and at any  
 15 time for due cause may increase the amounts due for maintenance  
 16 charges to an amount not to exceed the maximum cost as determined  
 17 under subsection (a).

18 (e) The superintendent of the home may arrange for the  
 19 establishment of a graduation or discharge trust account for a child by  
 20 arranging to accept a lesser rate of maintenance charge. The trust fund  
 21 must be of sufficient size to provide for immediate expenses upon  
 22 graduation or discharge.

23 (f) The superintendent may make agreements with instrumentalities  
 24 of the federal government for application of any monetary awards to be  
 25 applied toward the maintenance charges in a manner that provides a  
 26 sufficient amount of the periodic award to be deposited in the child's  
 27 trust account to meet the immediate personal needs of the child and to  
 28 provide a suitable graduation or discharge allowance. The amount  
 29 applied toward the settlement of maintenance charges may not exceed  
 30 the amount specified in subsection (a).

31 (g) The superintendent of the home may do the following:

32 (1) Investigate, either with the superintendent's own staff or on a  
 33 contractual or other basis, the financial condition of each person  
 34 liable under this chapter.

35 (2) Make determinations of the ability of:

36 (A) the estate of the child;

37 (B) the legal guardian of the child; or

38 (C) each of the responsible parents of the child;

39 to pay maintenance charges.

40 (3) Set a standard as a basis of judgment of ability to pay that  
 41 shall be recomputed periodically to do the following:

42 (A) Reflect changes in the cost of living and other pertinent  
 43 factors.

44 (B) Provide for unusual and exceptional circumstances in the  
 45 application of the standard.

46 (4) Issue to any person liable under this chapter statements of



amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter.

SECTION 48. IC 20-8.1-3-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 36. (a) It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under his authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **division of family and children** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

SECTION 49. IC 20-8.1-6.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) If a student is transferred under section 2 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school has no such classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana which has such classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the ~~county office~~ **division** of family and children ~~for the county placing the child~~ shall pay ~~from the county family and children's fund~~ to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which ~~a county office~~ **the division of family and children** is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the ~~county office,~~ **division of family and children**, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school has no such classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana which has such classification.

(d) If a child is:

(1) placed by a court order in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the ~~county office~~ **division** of family and children ~~for the county placing the child~~ shall pay ~~from the county family and children's fund~~ in an amount ~~and~~ in the manner specified in a written agreement between the ~~county office~~ **division** and the institution or other facility.

(e) ~~An agreement described in subsection (c) or (d) is subject to the approval of the director of the division of family and children. However, For purposes of IC 4-13-2, the an agreement described in subsection (c) or (d) shall not be treated as a contract.~~

SECTION 50. IC 20-8.1-6.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, vocational training, or career education.

(2) "ADM" means the following:

(A) For purposes of allocating to a transfer student state distributions under IC 21-1-30 (primetime), "ADM" as computed under IC 21-1-30-2.

(B) For all other purposes, "ADM" as set forth in IC 21-3-1.6-1.1.

(3) "Pupil enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the Indiana state board of education.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the Indiana state board of education.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) a student.

(4) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized instruction program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

The Indiana state board of education may select a different date for counts under subdivision (3). However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 3 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) The following state distributions that are computed in any part using ADM or other pupil count in which the student is included:

(i) Primetime grant under IC 21-1-30.

(ii) Tuition support for basic programs and at-risk weights under IC 21-3-1.7-8 (before January 1, 1996) and only for basic programs (after December 31, 1995).

(iii) Enrollment growth grant under IC 21-3-1.7-9.5.

(iv) At-risk grant under IC 21-3-1.7-9.7.

(v) Academic honors diploma award under IC 21-3-1.7-9.8.

(vi) Vocational education grant under IC 21-3-1.8-3.

(vii) Special education grant under ~~IC 21-3-1.8~~ **IC 21-3-1.8-2** (repealed January 1, 1996) or IC 21-3-10.

(viii) The portion of the ADA flat grant that is available for

1 the payment of general operating expenses under  
2 IC 21-3-4.5-2(b)(1).

3 (B) For school years beginning after June 30, 1997, property  
4 tax levies.

5 (C) For school years beginning after June 30, 1997, excise tax  
6 revenue (as defined in IC 21-3-1.7-2) received for deposit in  
7 the calendar year in which the school year begins.

8 (D) For school years beginning after June 30, 1997, allocations  
9 to the transferee school under IC 6-3.5.

10 STEP THREE: Determine the greater of:

11 (A) zero (0); or

12 (B) the result of subtracting the STEP TWO amount from the  
13 STEP ONE amount.

14 If a child is placed in an institution or facility in Indiana under a court  
15 order, the institution or facility shall charge the ~~county office of the~~  
16 ~~county of the student's legal settlement under IC 12-19-7~~ **division of**  
17 **family and children** for the use of the space within the institution or  
18 facility (commonly called capital costs) that is used to provide  
19 educational services to the child based upon a prorated per student cost.

20 (c) Operating costs shall be determined for each class of school  
21 where a transfer student is enrolled. The operating cost for each class  
22 of school is based on the total expenditures of the transferee  
23 corporation for the class of school from its general fund expenditures  
24 as specified in the classified budget forms prescribed by the state board  
25 of accounts. This calculation excludes:

26 (1) capital outlay;

27 (2) debt service;

28 (3) costs of transportation;

29 (4) salaries of board members;

30 (5) contracted service for legal expenses; and

31 (6) any expenditure which is made out of the general fund from  
32 extracurricular account receipts;

33 for the school year.

34 (d) The capital cost of special equipment for a school year is equal  
35 to:

36 (1) the cost of the special equipment; divided by

37 (2) the product of:

38 (A) the useful life of the special equipment, as determined  
39 under the rules adopted by the Indiana state board of  
40 education; multiplied by

41 (B) the number of students using the special equipment during  
42 at least part of the school year.

43 (e) When an item of expense or cost described in subsection (c)  
44 cannot be allocated to a class of school, it shall be prorated to all  
45 classes of schools on the basis of the pupil enrollment of each class in  
46 the transferee corporation compared to the total pupil enrollment in the

1 school corporation.

2 (f) Operating costs shall be allocated to a transfer student for each  
3 school year by dividing:

4 (1) the transferee school corporation's operating costs for the class  
5 of school in which the transfer student is enrolled; by

6 (2) the pupil enrollment of the class of school in which the  
7 transfer student is enrolled.

8 When a transferred student is enrolled in a transferee corporation for  
9 less than the full school year of pupil attendance, the transfer tuition  
10 shall be calculated by the portion of the school year for which the  
11 transferred student is enrolled. A school year of pupil attendance  
12 consists of the number of days school is in session for pupil attendance.  
13 A student, regardless of the student's attendance, is enrolled in a  
14 transferee school unless the student is no longer entitled to be  
15 transferred because of a change of residence, **because** the student has  
16 been excluded or expelled from school for the balance of the school  
17 year or for an indefinite period, or **because** the student has been  
18 confirmed to have withdrawn from school. The transferor and the  
19 transferee corporation may enter into written agreements concerning  
20 the amount of transfer tuition due in any school year. Where an  
21 agreement cannot be reached, the amount shall be determined by the  
22 Indiana state board of education and costs may be established, when in  
23 dispute, by the state board of accounts.

24 (g) A transferee school shall allocate revenues described in  
25 subsection (b) STEP TWO to a transfer student by dividing:

26 (1) the total amount of revenues received; by

27 (2) the ADM of the transferee school for the school year that ends  
28 in the calendar year in which the revenues are received.

29 However, for state distributions under IC 21-1-30, IC 21-3-10, or any  
30 other statute that computes the amount of a state distribution using less  
31 than the total ADM of the transferee school, the transferee school shall  
32 allocate the revenues to the transfer student by dividing the revenues  
33 that the transferee school is eligible to receive in a calendar year by the  
34 pupil count used to compute the state distribution.

35 (h) In lieu of the payments provided in subsection (b), the transferor  
36 corporation or state owing transfer tuition may enter into a long term  
37 contract with the transferee corporation governing the transfer of  
38 students. This contract is for a maximum period of five (5) years with  
39 an option to renew and may specify a maximum number of pupils to be  
40 transferred and fix a method for determining the amount of transfer  
41 tuition and the time of payment, which may be different from that  
42 provided in section 9 of this chapter.

43 (i) If the school corporation can meet the requirements of  
44 IC 21-1-30-5, it may negotiate transfer tuition agreements with a  
45 neighboring school corporation that can accommodate additional  
46 students. Agreements under this section may be for one (1) year or

longer and may fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 9 of this chapter. A school corporation may not transfer a student under this section without the prior approval of the child's parent or guardian.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive levy as provided under IC 6-1.1-19-5.1.

SECTION 51. IC 31-19-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) When a petition for adoption is filed seeking a subsidy and the payment of a subsidy is ordered by the court, the order must contain the following information:

(1) Whether a subsidy will be paid under section 2 or 3 of this chapter, or both.

(2) The amount of each subsidy to be paid.

(3) If a subsidy will be paid under section 3 of this chapter, the condition or cause covered by the subsidy.

(4) Any condition for the continued payment of a subsidy other than a requirement set forth in this chapter.

(b) The ~~county office division~~ of family and children ~~of the county responsible for foster care of an adoptive child~~ may be ordered to pay either or both of the subsidies under this chapter to the adoptive parents or designated payees to the extent that money is available.

SECTION 52. IC 31-34-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) ~~Before March 1, 1998,~~ Each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

(1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the child welfare staff of the county office.

(B) One (1) is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

~~(5) One (1) member appointed by the county fiscal body.~~

~~(6)~~ (5) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.

~~(7)~~ (6) One (1) or more additional members appointed by the ~~chairperson of the team~~, **county director**, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 53. IC 31-34-24-11, AS AMENDED BY P.L.273-1999, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. The ~~director or the~~ state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the ~~county fiscal body~~ **director** any comments, including recommendations for modification of the plan, that the ~~director or the~~ state superintendent of public instruction considers appropriate.

SECTION 54. IC 31-34-24-12, AS AMENDED BY P.L.273-1999, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. Not later than sixty (60) days after receiving the plan, the ~~county fiscal body~~ **director** shall do one (1) of the following:

(1) Approve the plan as submitted by the team.

~~(2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.~~

~~(3)~~ (2) Return the plan to the team with directions concerning:

(A) subjects for further study and reconsideration; and

(B) resubmission of a revised plan.

SECTION 55. IC 31-34-24-14, AS AMENDED BY P.L.273-1999, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

(1) Develop, review, or revise a strategy that identifies:

(A) the manner in which prevention and early intervention services will be provided or improved;

(B) how local collaboration will improve children's services;

- 1 and
- 2 (C) how different funds can be used to serve children and
- 3 families more effectively.
- 4 (2) Reorganize as needed and select its vice chairperson for the
- 5 ensuing year.
- 6 (3) Review the implementation of the plan and prepare revisions,
- 7 additions, or updates of the plan that the team considers necessary
- 8 or appropriate to improve the quality and efficiency of early
- 9 intervention child welfare services provided in accordance with
- 10 the plan.
- 11 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**
- 12 **superintendent of public instruction** a report on the operations
- 13 of the plan during the preceding year and a revised and updated
- 14 plan for the ensuing year.
- 15 (b) The chairperson or vice chairperson of the team ~~or the county~~
- 16 ~~fiscal body~~ may convene any additional meetings of the team that are,
- 17 in the chairperson's or vice chairperson's opinion, necessary or
- 18 appropriate.
- 19 SECTION 56. IC 31-34-24-15, AS AMENDED BY P.L.273-1999,
- 20 SECTION 106, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The team ~~or the county~~
- 22 ~~fiscal body~~ shall transmit copies of the plan, each annual report, and
- 23 each revised plan to the following:
- 24 (1) The director.
- 25 (2) The state superintendent of public instruction.
- 26 (3) The county office.
- 27 (4) The juvenile court.
- 28 (5) The superintendent of each public school corporation in the
- 29 county.
- 30 (6) The local step ahead council.
- 31 (7) Any public or private agency that:
- 32 (A) provides services to families and children in the county
- 33 that requests information about the plan; or
- 34 (B) the team has identified as a provider of services relevant
- 35 to the plan.
- 36 SECTION 57. IC 31-34-24-16 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. The team ~~or~~
- 38 ~~the county fiscal body~~ shall publicize to residents of the county the
- 39 existence and availability of the plan.
- 40 SECTION 58. IC 31-37-24-4 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) ~~Before~~
- 42 ~~March 1, 1998~~, Each county shall establish a team to develop a plan as
- 43 described in this chapter.
- 44 (b) The team is composed of the following members, each of whom
- 45 serves at the pleasure of the member's appointing authority:
- 46 (1) Two (2) members appointed by the judge or judges of the



juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the child welfare staff of the county office.

(B) One (1) is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

~~(5) One (1) member appointed by the county fiscal body.~~

~~(6)~~ (5) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county ~~fiscal body~~ **director**.

~~(7)~~ (6) One (1) or more additional members appointed by the ~~chairperson of the team~~ **county director**, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

SECTION 59. IC 31-37-24-5, AS AMENDED BY P.L.273-1999, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 5. If a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the ~~county fiscal body~~ **director** may elect to designate that existing organization as the county's team for purposes of this chapter.

SECTION 60. IC 31-37-24-11, AS AMENDED BY P.L.273-1999, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. The ~~director or the~~ state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the ~~county fiscal body~~

1 **director** any comments, including recommendations for modification  
 2 of the plan, that the ~~director or the~~ state superintendent of public  
 3 instruction considers appropriate.

4 SECTION 61. IC 31-37-24-12, AS AMENDED BY P.L.273-1999,  
 5 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JANUARY 1, 2001]: Sec. 12. Not later than sixty (60)  
 7 days after receiving the plan, the ~~county fiscal body~~ **director** shall do  
 8 one (1) of the following:

9 (1) Approve the plan as submitted by the team.

10 ~~(2) Approve the plan with amendments, modifications, or~~  
 11 ~~revisions adopted by the county fiscal body:~~

12 ~~(3)~~ (2) Return the plan to the team with directions concerning:

13 (A) subjects for further study and reconsideration; and

14 (B) resubmission of a revised plan.

15 SECTION 62. IC 31-37-24-14, AS AMENDED BY P.L.273-1999,  
 16 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JANUARY 1, 2001]: Sec. 14. (a) The team shall meet at  
 18 least one (1) time each year to do the following:

19 (1) Develop, review, or revise a strategy that identifies:

20 (A) the manner in which prevention and early intervention  
 21 services will be provided or improved;

22 (B) how local collaboration will improve children's services;  
 23 and

24 (C) how different funds can be used to serve children and  
 25 families more effectively.

26 (2) Reorganize as needed and select its vice chairperson for the  
 27 ensuing year.

28 (3) Review the implementation of the plan and prepare revisions,  
 29 additions, or updates of the plan that the team considers necessary  
 30 or appropriate to improve the quality and efficiency of early  
 31 intervention child welfare services provided in accordance with  
 32 the plan.

33 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**  
 34 **superintendent of public instruction** a report on the operations  
 35 of the plan during the preceding year and a revised and updated  
 36 plan for the ensuing year.

37 (b) The chairperson or vice chairperson of the team ~~or the county~~  
 38 ~~fiscal body~~ may convene any additional meetings of the team that are,  
 39 in the chairperson's or vice chairperson's opinion, necessary or  
 40 appropriate.

41 SECTION 63. IC 31-37-24-15 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The team ~~or~~  
 43 ~~the county fiscal body~~ shall transmit copies of the initial plan, each  
 44 annual report, and each revised plan to the following:

45 (1) The director.

46 (2) The state superintendent of public instruction.

- 1 (3) The county office.
- 2 (4) The juvenile court.
- 3 (5) The superintendent of each public school corporation in the
- 4 county.
- 5 (6) The local step ahead council.
- 6 (7) Any public or private agency that:
- 7 (A) provides services to families and children in the county
- 8 that requests information about the plan; or
- 9 (B) the team has identified as a provider of services relevant
- 10 to the plan.

11 SECTION 64. IC 31-37-24-16 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. The team ~~or~~  
 13 ~~the county fiscal body~~ shall publicize to residents of the county the  
 14 existence and availability of the plan.

15 SECTION 65. IC 31-40-1-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. This article  
 17 applies to a financial burden sustained by **the state and** a county as the  
 18 result of costs paid ~~by the county~~ under section 2 of this chapter,  
 19 including costs resulting from the institutional placement of a child  
 20 adjudicated a delinquent child or a child in need of services.

21 SECTION 66. IC 31-40-1-2, AS AMENDED BY P.L.273-1999,  
 22 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) The county shall pay  
 24 from the county family and children's fund the cost of:

- 25 (1) any services ordered by the juvenile court for any child or the
- 26 child's parent, guardian, or custodian, other than secure detention;
- 27 and
- 28 (2) returning a child under IC 31-37-23.

29 (b) The ~~county fiscal body~~ **division** shall provide sufficient money  
 30 to meet the court's requirements.

31 SECTION 67. IC 31-40-1-3, AS AMENDED BY P.L.273-1999,  
 32 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) A parent or guardian of  
 34 the estate of a child adjudicated a delinquent child or a child in need of  
 35 services is financially responsible as provided in this chapter (or  
 36 IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

37 (b) Each parent of a child alleged to be a child in need of services  
 38 or alleged to be a delinquent child shall, before a dispositional hearing,  
 39 furnish the court with an accurately completed and current child  
 40 support obligation worksheet on the same form that is prescribed by the  
 41 Indiana supreme court for child support orders.

42 (c) At:

- 43 (1) a detention hearing;
- 44 (2) a hearing that is held after the payment of costs by a county
- 45 under section 2 of this chapter (or IC 31-6-4-18(b) before its
- 46 repeal);

- 1 (3) the dispositional hearing; or  
 2 (4) any other hearing to consider modification of a dispositional  
 3 decree;

4 the juvenile court shall order the child's parents or the guardian of the  
 5 child's estate to pay for, or reimburse the county **or the division** for the  
 6 cost of, services provided to the child or the parent or guardian unless  
 7 the court finds that the parent or guardian is unable to pay or that  
 8 justice would not be served by ordering payment from the parent or  
 9 guardian.

10 SECTION 68. IC 31-40-1-4 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The parent or  
 12 guardian of the estate of any child returned to Indiana under the  
 13 interstate compact on juveniles under IC 31-37-23 shall reimburse the  
 14 **state and** county for all costs involved in returning the child that the  
 15 court orders the parent or guardian to pay under section 3 of this  
 16 chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child  
 17 has been adjudicated a delinquent child or a child in need of services.

18 SECTION 69. IC 31-40-1-5, AS AMENDED BY P.L.273-1999,  
 19 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JANUARY 1, 2001]: Sec. 5. (a) This section applies  
 21 whenever the court orders or approves removal of a child from the  
 22 home of a child's parent or guardian and placement of the child in a  
 23 child caring institution (as defined in IC 12-7-2-29), a foster family  
 24 home (as defined in IC 12-7-2-90), or the home of a relative of the  
 25 child that is not a foster family home.

26 (b) If an existing support order is in effect, the court shall order the  
 27 support payments to be assigned to the ~~county office~~ **division of family**  
 28 **and children** for the duration of the placement out of the home of the  
 29 child's parent or guardian. The court shall notify the court that:

- 30 (1) entered the existing support order; or  
 31 (2) had jurisdiction, immediately before the placement, to  
 32 modify or enforce the existing support order;

33 of the assignment and assumption of jurisdiction by the juvenile court  
 34 under this section.

35 (c) If an existing support order is not in effect, the court shall do the  
 36 following:

- 37 (1) Include in the order for removal or placement of the child an  
 38 assignment to the ~~county office~~, **division of family and children**,  
 39 or confirmation of an assignment that occurs or is required under  
 40 applicable federal law, of any rights to support, including support  
 41 for the cost of any medical care payable by the state under  
 42 IC 12-15, from any parent or guardian who has a legal obligation  
 43 to support the child.  
 44 (2) Order support paid to the ~~county office~~ **division of family and**  
 45 **children** by each of the child's parents or the guardians of the  
 46 child's estate to be based on child support guidelines adopted by

the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:

(A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

(B) the ~~county office~~ **division of family and children** does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for the cost of (in whole or in part) and the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

(3) If the court:

(A) does not enter a support order; or

(B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court as trustee for remittance to the ~~county office~~ **division of family and children**.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 12-17-2 and 42 U.S.C. 654. The ~~county office~~ **division of family and children** shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after

1 termination of the placement; or

2 (3) continue in effect, subject to modification or enforcement by  
3 a court having jurisdiction over the obligor, a support order  
4 entered under subsection (c) that requires payment of support by  
5 a noncustodial parent or guardian of the estate of the child.

6 (g) The court may at or after a hearing described in section 3 of this  
7 chapter order the child's parent or the guardian of the child's estate to  
8 reimburse the ~~county office~~ **division of family and children** for all or  
9 any portion of the expenses for services provided to or for the benefit  
10 of the child that are paid ~~from the county family and children's fund by~~  
11 **the division** during the placement of the child out of the home of the  
12 parent or guardian, in addition to amounts reimbursed through  
13 payments in accordance with a support order assigned or entered as  
14 provided in this section, subject to applicable federal law.

15 SECTION 70. IC 36-2-6-3 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. (a) This section  
17 does not apply to **the following**:

18 (1) Claims for salaries fixed in a definite amount by ordinance or  
19 statute, per diem of jurors, and salaries of officers of a court.

20 (2) **Claims that will be paid from a county family and**  
21 **children's fund.**

22 (b) The county auditor shall publish all claims that have been filed  
23 for the consideration of the county executive and shall publish all  
24 allowances made by courts of the county. Claims filed for the  
25 consideration of the executive shall be published at least three (3) days  
26 before each session of the executive, and court allowances shall be  
27 published at least three (3) days before the issuance of warrants in  
28 payment of those allowances. In publication of itemized statements  
29 filed by assistant highway supervisors for consideration of the  
30 executive, the auditor shall publish the name of each party and the total  
31 amount due each party named in the itemized statements. Notice of  
32 claims filed for consideration of the county executive must state their  
33 amounts and to whom they are made. Claims and allowances subject  
34 to this section shall be published as prescribed by IC 5-3-1, except that  
35 only one (1) publication in two (2) newspapers is required.

36 (c) A member of the county executive who considers or allows a  
37 claim, or a county auditor who issues warrants in payment of  
38 allowances made by the county executive or a court of the county,  
39 before compliance with subsection (b), commits a Class C infraction.

40 (d) A county auditor shall publish one (1) time in accordance with  
41 IC 5-3-1 a notice of all allowances made by a circuit or superior court.  
42 The notice must be published within sixty (60) days after the  
43 allowances are made and must state their amount, to whom they are  
44 made, and for what purpose they are made.

45 SECTION 71. THE FOLLOWING ARE REPEALED [EFFECTIVE  
46 JANUARY 1, 2001]: IC 6-1.1-18.6; IC 12-13-8; IC 12-13-9-1;

1 IC 12-13-9-3; IC 12-16-14; IC 12-16-15; IC 12-19-5; IC 12-19-7-4;  
 2 IC 12-19-7-5; IC 12-19-7-9; IC 12-19-7-10; IC 12-19-7-16;  
 3 IC 12-19-7-17; IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20;  
 4 IC 12-19-7-21; IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24;  
 5 IC 12-19-7-25; IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28;  
 6 IC 12-19-7-29; IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32;  
 7 IC 12-19-7-33; IC 12-24-13-6; IC 16-35-3; IC 16-35-4;  
 8 IC 31-34-24-13; IC 31-37-24-13.

9 SECTION 72. [EFFECTIVE JANUARY 1, 2001] (a) As used in  
 10 this SECTION, "county office property tax levies" means the  
 11 property tax levies under or for any of the following:

- 12 (1) IC 12-13-8 (county medical assistance to wards fund).
- 13 (2) IC 12-16-14 (county hospital care for the indigent fund).
- 14 (3) IC 12-19-7 (county family and children's fund).
- 15 (4) IC 16-35-3 (children with special health care needs county
- 16 fund and tax levy).

17 (b) Notwithstanding any other law, after December 31, 2000, the  
 18 state shall fund one hundred percent (100%) of the programs,  
 19 services, and activities paid from county office property tax levies  
 20 before January 1, 2001.

21 (c) Notwithstanding any other law, after December 31, 2000, a  
 22 county may not impose a county office property tax levy. The  
 23 maximum permissible levy for any fund:

- 24 (1) that is not terminated after December 31, 2000; and
- 25 (2) for which a county office property tax levy was imposed
- 26 before January 1, 2001;

27 shall be reduced to eliminate the part of the maximum levy related  
 28 to a county office property tax levy before January 1, 2001.

29 SECTION 73. [EFFECTIVE JULY 1, 2000] (a) As used in this  
 30 SECTION, "county office property tax levies" means the property  
 31 tax levies under or for any of the following:

- 32 (1) IC 12-13-8 (county medical assistance to wards fund).
- 33 (2) IC 12-16-14 (county hospital care for the indigent fund).
- 34 (3) IC 12-19-7 (county family and children's fund).
- 35 (4) IC 16-35-3 (children with special health care needs county
- 36 fund and tax levy).

37 (b) As used in this SECTION, "miscellaneous revenue" means  
 38 tax revenue that is distributed under:

- 39 (1) the bank tax (IC 6-5-10);
- 40 (2) the savings and loan association tax (IC 6-5-11);
- 41 (3) the production credit association tax (IC 6-5-12);
- 42 (4) the financial institutions tax (IC 6-5.5); or
- 43 (5) any other statute providing for a distribution of revenue;
- 44 to a political subdivision based in any part on the ad valorem
- 45 property tax levy imposed by the political subdivision.

46 (c) For calendar year 2001 and any other year that in any part  
 47 conditions a distribution of miscellaneous revenue on the county

1 property tax levies first due and payable in calendar year 2000 or  
2 a previous year, the distribution must be made based on the  
3 adjusted property tax levy determined under this SECTION.

4 (d) The state board of tax commissioners shall determine an  
5 adjusted property tax levy for each year on which a distribution  
6 described in subsection (c) is based. The adjusted property tax levy  
7 must exclude the county office property tax levies imposed in that  
8 year.

9 (e) Before January 1, 2001, the state board of tax commissioners  
10 shall certify the adjusted levy determined under subsection (d) to  
11 the auditor of state, each county auditor, and the department of  
12 state revenue.

13 (f) For purposes of property tax levies first due and payable  
14 after December 31, 2000, the state board of tax commissioners shall  
15 adjust property tax levies of a political subdivision to eliminate that  
16 part of a property tax levy that was imposed before January 1,  
17 2001, to make a transfer described in IC 12-15-18-5.1.

18 (g) The unallotted balance on December 31, 2000, of any county  
19 office property tax levies in a fund other than the county family  
20 and children's fund or the state general fund shall, on January 1,  
21 2001, be transferred to the state general fund to carry out the  
22 programs for which the money was levied. The unallotted balance  
23 on December 31, 2000, of each county welfare trust clearance fund  
24 shall be transferred on January 1, 2001, to an account in the state  
25 general fund. However, by agreement between a county executive  
26 and the division of family and children, a county may retain a  
27 balance of county office property tax levies after December 31,  
28 2000, in a fund to pay obligations incurred but not allotted for  
29 payment before January 1, 2001. The amount that shall be retained  
30 and the time that balances shall be retained shall be governed by  
31 the agreement. Money transferred to the state under this  
32 subsection shall be treated as money from state revenues.

33 (h) The state board of tax commissioners shall reduce the  
34 maximum permissible ad valorem property tax levy of a county as  
35 necessary to reflect the transfer by this act of any expenditures  
36 payable from a county general fund to the state.



- 1       **(i) This SECTION expires December 31, 2002.**
- 2       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1006 as printed January 18, 2000.)

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Representative Friend